

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

Ciriaco Pucillo,

Plaintiff,

vs.

Metso Paper Inc. and Valmet  
Converting, Inc.,

Defendants,

C.A. NO. 03-CV-12359 MLW

**COPY**

Deposition of:  
**ROBERT LYONS**

The deposition of Robert Lyons was taken pursuant to the Federal Rules of Civil Procedure, before Sarah B. Fry, a Notary Public in and for the State of South Carolina, at The Crown Reef IV Resort, 2913 South Ocean Boulevard, Myrtle Beach, South Carolina, 29576 on February 15, 2005, commencing at 11:07 a.m.

**ADVANTAGE COURT REPORTING  
OF MYRTLE BEACH**  
407 Luttie Road, Myrtle Beach, SC, 29588  
843-293-2039

1 Q. Do you know the names of the individuals that were put in  
2 charge of service and spare parts?

3 A. It changed pretty rapidly. There were several of them.

4 Q. Well, let me ask you a more specific question. Who was in  
5 charge of service in March of 2002?

6 A. In March of 2002, when I left the company, or six months  
7 before I left the company, Rick Howe was in charge of service.

8 Q. And at that particular time in March of 2002, who was in  
9 charge of spare parts?

10 A. Rick Howe.

11 Q. And when you left as head of sales, who took over in that  
12 position?

13 A. Stan Braycotton.

14 Q. B-R-A-Y-C-O-T-T-O-N?

15 A. Yes, ma'am.

16 Q. And has Rick Howe, to the best of your knowledge, stayed as  
17 head of service?

18 A. I believe so.

19 Q. And has he also stayed as the head of the spare parts  
20 department?

21 A. I believe so.

22 Q. When you were the head of the sales department, did your  
23 responsibilities include overseeing the service technicians?

24 A. When I was only the head of the sales department, or ...

25 Q. Well, let me ask it a different way. Was there any time that

1 part of your job responsibility was to oversee the service  
2 technicians?

3 A. Yes.

4 Q. And what period of time was that?

5 A. Up until a year or so after Valmet bought us.

6 Q. And after that period, who took over as being responsible to  
7 oversee the service technicians?

8 A. That would have been one of the Valmet people I mentioned  
9 before. I can't remember his name. A very long, Italian name.

10 Q. If it comes to you, you can interject it later on.

11 A. Yeah.

12 Q. For the period of March 2000 – well, let's just do March, 2000  
13 to March 2002, how many service technicians were there?

14 A. Approximately five.

15 Q. And that would be John Brooke, Ron Purcell, and who else?

16 A. David Howe. Oh, I hate to say this, but there was another  
17 division we haven't even mentioned, that had several service  
18 technicians.

19 Q. What division was that?

20 A. Titan.

21 Q. But that has nothing to do with the Atlas slitters, correct?

22 A. Correct.

23 Q. All right. So for the Atlas slitters, the service department  
24 would have consisted of – you said Bobby Howe?

25 A. David Howe. David Howe occasionally.

1 Q. David Howe?

2 A. Yes.

3 Q. David Howe, Ron Purcell.

4 A. Right.

5 Q. John Brooke.

6 A. Correct.

7 Q. Any others?

8 A. That's all.

9 Q. And these three gentlemen would be responsible for servicing  
10 approximately two hundred and fifty Atlas slitters?

11 A. Yes, with the occasional help of somebody from England.

12 Q. Did the procedure for ordering replacement parts or spare parts  
13 change in any way when the companies went from Atlas  
14 Group, Americas, to Atlas Converting, to Valmet?

15 A. No, to my knowledge.

16 Q. Everything still went along the same protocol?

17 A. Sure.

18 Q. All right. And from March of 2000 – well, let's say January  
19 2000, up until the date of this accident, of March of 2002, what  
20 was the procedure that a customer would follow to obtain a  
21 replacement part?

22 A. Well, a customer would merely call up the parts department,  
23 which at that time was Rick Howe, primarily. Describe the  
24 part, either verbally or by part number. And he would be  
25 given a price and expected lead time, and order the part.

1 Q. And am I correct that each Atlas slitter has its own contract  
2 number?

3 A. Correct.

4 Q. And is that the same as a serial number?

5 A. Correct.

6 Q. And would that distinguish that particular slitter from any  
7 other slitter out in America?

8 A. Absolutely.

9 Q. And how are the – well, strike that. Do you know the model  
10 number of the Atlas slitter that was involved in this accident?

11 A. I think I do. CSE2000.

12 Q. Let me show you what has been marked as Purcell Number  
13 Two and ask you, does that document identify the model  
14 number?

15 A. Yes, that document says CSE twelve thousand – pardon me.  
16 CSE one two five oh R (CSE1250R).

17 Q. And what does that model do?

18 A. That designation tells me the type of machine it is, and even  
19 the size of the machine.

20 Q. Okay. And below that, it indicates Atlas contract numbers  
21 nine two zero three six (92036), correct?

22 A. Correct.

23 Q. And that would be the serial number unique to that particular  
24 machine, correct?

25 A. Correct.

1 Q. All right. And how is the Atlas machine – or excuse me, the  
2 nine two zero three six (92036) machine different from other  
3 model CSE one two five oh R (CSE1250R) machines?

4 A. Every machine is different. We never make two machines  
5 alike. The machines were custom built. The difference  
6 between this machine and another machine with that same  
7 model number could be how wide the machine is, what options  
8 it has on it, what color it is. It could be hundreds of  
9 differences, hundreds of differences.

10 Q. And you said there's no two identical machines, correct?

11 A. Probably not.

12 Q. It would be very rare to see that?

13 A. Yes.

14 Q. Can you just describe for me what the model CSE1250R  
15 machine does?

16 A. Yes. It starts with what we call jumbo rolls of specially coated  
17 paper, these rolls being about a hundred inches wide and six  
18 feet in diameter. And these rolls are then – these big rolls of  
19 paper are then run through our machine and slit into narrower  
20 rolls of smaller diameter, multiple rolls.

21 Q. And how was that particular model chosen for Van Leer?

22 A. The type of material dictates the method that is best suited, or  
23 the machine that is best suited for the operation. The type of  
24 material, and the speed, and the production requirements.

25 Q. When you say the type of material, is that the type of material

1 that's going to go through the rollers?

2 A. Correct.

3 Q. All right. And what are the types of materials that that  
4 machine can accommodate?

5 A. Well, that machine was designed specifically for papers, large  
6 diameter rolls of paper, as opposed to rolls of plastic film.

7 Q. Or cloth or anything, correct?

8 A. Correct.

9 Q. Okay. And then you also indicated that one of the factors was  
10 the speed. What did you mean by the speed?

11 A. Well, there are several different winding techniques available  
12 to us. In this particular case, the machine was expected to do  
13 what we consider high speeds, large diameter rolls, large  
14 diameter finished rolls, which would dictate the certain  
15 winding method, which we call center surface.

16 Q. The CS in the model number indicates center surface, correct?

17 A. Correct.

18 Q. And am I correct that there's a drive in the drum of the center  
19 surface slitter?

20 A. Correct.

21 Q. And that drum is independent of the drum, or the drives –  
22 excuse me. That drive is independent of the drives in the  
23 rewind arms, correct?

24 A. Correct.

25 Q. The drives in the drum in that particular model, are those

1           Infanor drives as well?

2           A.   Probably not.

3           Q.   Okay. You indicated that the third factor in determining the  
4           model would be production requirements. What did you mean  
5           by that?

6           A.   By that, I mean primarily the speed of the paper through the  
7           machine.

8           Q.   So that's sort of a derivative of your speed criteria?

9           A.   Uh-huh, yes.

10          Q.   And this particular machine can go -- has a maximum speed of  
11          three thousand feet per minute. Is that correct?

12          A.   I don't recall specifically, but that sounds about right.

13          Q.   And you said that would be considered at the faster end of the  
14          spectrum?

15          A.   Yes.

16          Q.   Were you involved with the sale of the Atlas slitter to Van  
17          Leer?

18          A.   Not initially.

19          Q.   Who was initially involved from Atlas?

20          A.   The primary sales contact on this product, on this project, was  
21          Chris Rogers.

22          Q.   And was he in the United States or in England?

23          A.   England.

24          Q.   Do you know how he became involved? Did Van Leer  
25          approach him?



1 A. Van Leer – yes. Van Leer – Chris Rogers basically worked  
2 with the Van Leer people from Finland on the original sale of  
3 the machine.

4 Q. Okay. So Van Leer's parent corporation was in Finland at the  
5 time?

6 A. Correct.

7 Q. And Chris Rogers was involved with that facility or company?

8 A. Correct.

9 Q. And they were negotiating the purchase of an Atlas slitter for  
10 use in the United States, correct?

11 A. Precisely, yeah.

12 Q. And at that point, the Van Leer facility was in Framingham?

13 A. Yes.

14 Q. Did you ever go to Framingham?

15 A. Yes.

16 Q. When did you first get involved?

17 A. After the machine was delivered to Framingham.

18 Q. And how did you get involved?

19 A. Because the machine came to the states, it was logical that  
20 somebody from this side be the primary contact. So I became  
21 the primary contact.

22 Q. By that time, had the serial number, for lack of a better word,  
23 been established for that particular machine?

24 A. The serial number is established the day the machine is  
25 ordered.

1 Q. Okay. Well, that's what – that's where I'm going with this.  
2 By the time you were involved, the machine had already been  
3 set up to accommodate the Van Leer application, correct?

4 A. Absolutely.

5 Q. All right. Do you know, or did you become aware of what  
6 information Van Leer had given Atlas with respect to the  
7 application that they'd be using the machine for?

8 A. Not directly.

9 Q. Have you ever seen any writings or communication back and  
10 forth between Van Leer and Atlas regarding what the machine  
11 was going to be used for?

12 A. I'm sure I have, but I don't remember specifically.

13 Q. So by the time you got involved, the machine had been  
14 delivered to Framingham?

15 A. Yes.

16 Q. And what was the reason that you first went up there?

17 A. I don't recall.

18 Q. Is that customary, when someone – when a customer  
19 purchases a machine, that some representative from the  
20 company would go to the facility?

21 A. Exactly, yes.

22 Q. And is that type of a – is that part of a training program?

23 A. It's just customer service. You know, to introduce ourselves  
24 as, you know, their primary contact. If the machine is built in  
25 England and running here, we want them to look to us for

1 or any other indicators, an LED indicator, that would say the  
2 switch had come unhooked?

3 A. I believe not.

4 Q. Do you know why there's no such light or indicator?

5 A. Well, the switch would have been set up for a certain  
6 application, and there would be no expectation that it would  
7 ever change, unless it was physically changed, so there  
8 wouldn't be any reason to put an indicator in there.

9 Q. Because you wouldn't expect it to come unhooked?

10 A. Correct.

11 Q. What's to prevent it from coming unhooked?

12 A. I don't know.

13 Q. Is it fair to say that it could come unhooked simply by the  
14 vibration of the machine?

15 A. I doubt that tremendously.

16 Q. Can you tell me what means it could come unhooked?

17 MS. JOHNSON: Objection, that question calls for  
18 speculation.

19 Q. Do you know which position – I think I might have asked you  
20 this, and I apologize if I have. Do you know which position it  
21 was set in for the Van Leer application?

22 A. No.

23 Q. Was that setting determined back in 1993, before the machine  
24 ever came to the United States?

25 A. Sure, yes.

1 Q. And who would have decided that position's setting?

2 A. The engineer who did the controls on that machine.

3 Q. That would have been an Atlas engineer?

4 A. Correct.

5 Q. And do you know whether that particular switch setting has  
6 changed at all from 1993 up until the time of your retirement?

7 A. The requirement to change it would not have happened, no. It  
8 was designed – the position of the switch was chosen to  
9 accommodate the requirement of this machine, and that would  
10 not have changed.

11 Q. It could change if somebody – a customer changed their  
12 application of their machine. Is that correct?

13 A. Possibly, yes.

14 Q. But that didn't happen here?

15 A. Correct.

16 Q. And it's not the kind of switch that would be changed like you  
17 would change chucks or cores, correct?

18 A. Absolutely not.

19 Q. It's not something that would part of the operation of the  
20 machine, to change that switch?

21 A. Correct.

22 Q. So once it was set, it would stay in that setting, correct?

23 A. Yes.

24 Q. And are there any writings that specifically address that  
25 specific setting?

1 boards, the new boards, to see that the switch was set  
2 correctly?

3 A. I don't know.

4 Q. Who would – whose job would that have been, if it was done  
5 in North Carolina?

6 A. I'm not sure it would have been anybody's job. It might have  
7 been the customer's responsibility, because the customer had  
8 been given documentation as to how to install these boards and  
9 how to set these boards.

10 Q. So – well, what writings would there be to a customer  
11 instructing them to set the switch?

12 A. There would be the electrical documentation I talked about  
13 earlier, which clearly show him how to set the switch, where to  
14 set the switch for his application. That would be specific to his  
15 machine, the electrical documentation.

16 Q. When a customer orders a board, a new board, from Atlas to  
17 Valmet, are they charged by Atlas Valmet in North Carolina or  
18 Atlas in England?

19 A. A customer in the United States will be charged – he'll place  
20 his order on Atlas, USA or Valmet, USA, and he'll pay – that,  
21 the US Atlas Valmet, whatever, will handle all US sales.

22 Q. And does the cost to the consumer or the customer include any  
23 modifications that need to be made to the board to make the  
24 board suitable for their particular application?

25 A. Yes, but the modifications might not be – involve the switch. I

1 mean, we might modify all boards in another manner. I don't  
2 know. We customarily wouldn't modify boards and ship them  
3 out. Still, they're suitable for several different applications, so  
4 still it would be up to the customer to set the switch properly.

5 Q. So you don't – there's no charge for setting the boards?

6 A. Well, it's in the price of the board. It's – whatever we sell the  
7 board for, it's in our markup. The primary – well, when it  
8 comes to orders on a specific board, we will, before filling that  
9 order, we will check the contract to see if that board exists on  
10 his machine. We don't want to send them a board that doesn't  
11 even exist on his machine. Whether we will – that's the end of  
12 my knowledge. I don't know if we'll actually go in there and  
13 – I don't think we'll – I don't know if we'll consider it our  
14 responsibility to set the switches and whatnot, specifically, for  
15 his application.

16 Q. And you did indicate earlier that there were occasions that you  
17 believed that Atlas Valmet had purchased boards directly from  
18 Infanor, correct?

19 A. Atlas, USA, yes.

20 Q. And on those particular occasions, was the switch set when it  
21 arrived in North Carolina?

22 A. It would have been random. It would have been set randomly.

23 MS. JOHNSON: Objection, calls for speculation.

24 A. Yeah, right. Sorry.

25 Q. Well, it's not speculation if you know the answer to the

1 question.

2 A. Yeah, I don't know the answer. I'm guessing. No more  
3 guessing.

4 Q. What training did Atlas provide to Van Leer with respect to  
5 the maintenance of the machine?

6 A. I don't know specifically. I mean, I know what our routine is,  
7 is that when a machine is installed, part of the responsibility of  
8 the installation team – which, in this case, would have been  
9 primarily from England – would be to install the machine, get  
10 it running properly, but also to train operators who use the  
11 machine, and to train maintenance people in the upkeep of the  
12 machine.

13 Q. But you're not familiar with the precise training that's  
14 provided to a customer's employees?

15 A. Not back at that point in time, no.

16 Q. How are they trained today? Well, as of December, 2002?

17 A. Yeah, well, they were, you know, fairly extensively trained.  
18 We'll spend as much time training maintenance people or  
19 more time training maintenance people than we will operation  
20 people, typically. Going through drawings and showing, you  
21 know, where to trouble shoot, and how to set things up.

22 Q. Do you go through the electrical schematics with them?

23 A. Yes.

24 Q. And do you go through all the potential switch settings?

25 A. I don't know.

1 Q. Who from Valmet as of the time that you retired was  
2 responsible for training customers' employees or maintenance  
3 people with respect to the electrical circuitry of the drive  
4 boards?

5 A. Well, Rick Howe would have been responsible for the people  
6 who would especially go out and do it. At that time, it would  
7 have been John Brooke or Ron Purcell.

8 Q. And what training, as of December 2002, was given to  
9 customers' employees with respect to the replacement of the  
10 drive boards?

11 A. I can't say.

12 Q. It wasn't anything you were involved with?

13 A. (SHAKES HEAD)

14 Q. Other than the switch on the daughter board, are there any  
15 other switches on the drive boards that a customer needs to set  
16 before those drive boards are installed?

17 A. I don't know.

18 Q. And you had an opportunity to go up to the Proma facility  
19 since you were there when it was Van Leer, correct?

20 A. Correct.

21 Q. And throughout that time, approximately how many visits  
22 have you made to Franklin or Framingham?

23 A. Fifteen.

24 Q. And during the course of your visits, did you have an  
25 opportunity to review with the employees their responsibilities



1 with respect to the setting of that switch?

2 A. Absolutely not.

3 Q. Did you ever have any conversations with the electricians that  
4 led you to believe that they understood that that was their  
5 responsibility?

6 A. No.

7 Q. And other than – strike that. My understanding is that the  
8 electrical schematics would explain or would diagram what the  
9 proper switch setting is, correct?

10 A. Yes.

11 Q. Does that particular schematic say on it anywhere, “It’s your  
12 job to make sure this is set properly”?

13 A. I’m not aware.

14 Q. And you don’t believe that there’s anything in the operating  
15 guide, correct?

16 A. I didn’t say that.

17 Q. Do you want to take a few minutes and look through the  
18 operating guide, and see if you can find something?

19 A. I don’t know if it would be in this operating guide, or if it  
20 would just be highlighted on the drawings, on the electrical  
21 drawings. (WITNESS READ) Yeah, I can’t specifically find  
22 in there ...

23 Q. Okay.

24 A. ... all this document where to set switches.

25 Q. Well, would you agree that Atlas in England knew what the

correct position of the switches ...

A. Sure.

Q. ... should have been, correct?

A. Absolutely.

Q. And were the Atlas Valmet technicians trained with respect to where that – the proper switch position would be?

A. Absolutely.

Q. And what training did the Atlas Valmet technicians have with respect to the switch setting?

A. Well, they would have been shown specifically. They would have been told specifically. Actually got a technician on the floor who puts this machine together and actually starts it up the first time, who would just follow the electrical diagrams, which would tell him where to set it. And the service technicians as well. In the field, if they were working on the machine, they'd go right back to those electrical diagrams to see where to set the switches.

Q. And they're trained to do that, correct?

A. Absolutely.

Q. And who provides that training?

A. Well, when we have a new man that needs to be trained, he'll train with an existing service technician, or with an existing engineer. So it's on the job training.

Q. I guess I'm just trying to understand the level of expertise of the particular people involved with this particular machine.

1 A. I don't specifically, no.

2 Q. And Atlas Valmet doesn't do any inspections of the boards  
3 when they come in from England, before they're sent out to  
4 the customer. Is that correct?

5 A. I'm not aware of any inspections we do on parts we get from  
6 our parent – you know, from our division in England.

7 Q. Well, when a board comes in from England, what happens to  
8 that board in order to then get it to the customer in the states?

9 A. Normally it comes in, in a consolidated shipment, so there will  
10 be parts in the shipment for other – so it's just segregated and  
11 repackaged, and sent off to the customer.

12 Q. Can you describe for me segregated and repackaged? Does it  
13 actually come out of its packing?

14 A. It probably would not come out of its specific packaging.  
15 They're normally packed in a soft pack envelope with a part  
16 number on the outside. So that package we just take out of a  
17 big box, and put it into a smaller box, and send it on through.

18 Q. Would that package be identified as the Proma or Van Leer  
19 package?

20 A. No. That package would have the unique Atlas part number.

21 Q. So if Proma orders an Infanor drive board, and then you place  
22 that order with England, when it comes back, it has an Atlas  
23 number on it that you match up to Proma?

24 A. Yes.

25 Q. And where are those documents kept?

1 A. The documents recording all the part numbers, or ...

2 Q. Regarding the unique Atlas part number that corresponds to  
3 the Van Leer Proma part.

4 A. All right. There will be, again, the electrical drawing and  
5 documentation that Van Leer has, Proma has, and we'll have  
6 copies of them in North Carolina as well as England. And  
7 they will show this particular board, and then it will be  
8 recorded under our part number.

9 Q. So the consolidated packages that you get into the states might  
10 only have one Infanor drive board, but it might have more,  
11 correct?

12 A. Yep.

13 Q. And if there Infanor drive boards going to more than one  
14 customer, they wouldn't each have the SMVE2420M59,  
15 correct?

16 A. They may, or they may not. They may have that Infanor part  
17 in one envelope, with one Atlas part number, and in another  
18 envelope with a different Atlas part number, if they have been  
19 modified by us in England.

20 Q. Okay.

21 A. So the one Infanor part number can serve several different  
22 functions for us. Each one of them would have a specific part  
23 number, and in that package that comes in, we might be  
24 serving several different customers. So we could have, as I  
25 say, we could have ten of those Infanor parts, with ten

different part numbers, going to ten different customers.

Q. And what other information is on the packaging that would facilitate your distribution of the parts?

A. Probably none. Just an Atlas part number.

Q. Then how would you know which customer to send it to?

A. Because there would be – you know, the shipment just came in with all these different part numbers, and we needt A, B, C, one, two, three for Proma, because we have an order for that, and here's the A, B, C, one, two, three.

Q. Now, A, B, C, one, two, three, that's what I'm kind of trying to get at. What matches it up to the Proma order? The purchase requisition? Is there an Atlas number? Is it just the Infanor drive board?

A. No, it would be the Atlas part number, the specific Atlas part number.

Q. On the packaging itself coming over from England, is there anything on the packaging that says that the switches should be checked to make sure they didn't dislodge during shipment?

A. No.

Q. Are there any instructions of any nature on the boards coming in from England to the end user as far as how to use that particular part?

A. Don't know.

Q. Does Atlas Valmet in North Carolina put any labels or instructions with the package when they send it out to the

customer?

A. I don't know.

Q. So you're not aware of any written material that accompanies a package, saying, "Please check this to make sure that all the parts are here," or, "Please check the switches to make sure everything is set," anything like that?

A. When we send – when we send parts to Proma, if it's multiple parts in a package that we're sending to them, there will be a packing slip saying that there's three of this, two of this, one of that. But I'm not aware of any other warnings or any other documentation.

Q. And the packing slip itself doesn't say anywhere, "Please follow the electrical schematics when installing these boards"?

A. No.

Q. Are there any labels of any kind indicating that things can become loose during shipping?

A. No.

Q. How would Proma know if a switch was set or had been – come unhooked during shipment?

A. I don't know.

Q. And what about the boards that are sent in for repair? Obviously, that's a different procedure than purchasing a new board. What happens when a board comes in for repair from Van Leer or Proma?

A. I don't know. Rick Howe handles all of that.

1 Q. Okay. Before the boards are sent out to England, when they  
2 come in for repair, does anyone at Atlas Valmet do a visual  
3 inspection of the board to see if it can be fixed in the states?

4 A. Yeah. They'll look for obvious damage before they go to the  
5 expense of sending it to England, to determine if it is  
6 repairable.

7 Q. Would they check the switches?

8 A. I don't know.

9 Q. Should they check the switch?

10 MS. JOHNSON: Calls for speculation. Objection.

11 A. I'm not qualified to answer.

12 Q. Well, as vice president, you certainly are qualified to answer a  
13 question as to what your technicians should or shouldn't be  
14 doing. In your opinion, as vice president of the company,  
15 should the service technicians be checking the switch when a  
16 product – when the boards come in for repair?

17 A. No, not when it comes in for repair.

18 Q. If the switch was unhooked, am I correct that the board would  
19 not operate correctly?

20 A. If the switch was in the wrong position for that particular  
21 application, the switch – the board still could be functional for  
22 another application.

23 Q. Correct. But if a customer had a problem with a board, it  
24 could just be that the switch was set incorrectly, correct?

25 A. Could be.

1 Q. And if it came back into North Carolina with a note saying  
2 repair or, you know, replace, shouldn't the technicians there  
3 look at it to see if it's something as simple as the switch?

4 A. The technicians wouldn't see it. The technicians wouldn't see  
5 the board that came back in. The spares department would see  
6 it, and would only be qualified to see if it's been run over by a  
7 fork truck, in which case they would say, "Hey, we can't  
8 repair it." Other than that, they'd send it to England to be  
9 repaired.

10 Q. Okay, so that was my question. When the boards come in for  
11 repair, no one from Atlas Valmet inspects the board to see if it  
12 can be fixed on site?

13 A. No.

14 Q. It's – the determination is either it's – you know, it's been hit  
15 by a – run over by a fork lift, or we're going to send it to  
16 England, correct?

17 A. Yes, yes, yes.

18 MS. JOHNSON: Off the record.

19 (A SHORT BREAK WAS TAKEN OFF THE RECORD)

20 EXAMINATION CONTINUED BY MS. COUNIHAN:

21 Q. All right. When we went off the record, I believe we were  
22 talking about inspections that may or may not – may or may  
23 not be done when a board comes in for repair.

24 A. Right.

25 Q. Would you agree, though, that every time a board is sent to



1 Atlas or Valmet for repair, there's an opportunity there for it to  
2 be inspected by someone in your facility?

3 A. Well, yeah. It's in our possession, so sure, there's an  
4 opportunity, yeah.

5 Q. Right. And is there ever any communication with anyone at  
6 Van Leer or Proma indicating that they're not inspected when  
7 they come into your facility?

8 A. I'm not aware, no.

9 Q. When the repaired boards come back from England, are they  
10 packaged the same as the new boards?

11 A. Probably not.

12 Q. How would they be differently packaged?

13 A. They'd be packaged in our own packing materials. I'm  
14 guessing again. I don't know.

15 Q. Well, if I understood you correctly before, the board comes  
16 into Atlas Valmet and then goes out to Atlas UK.

17 A. Uh-huh.

18 Q. And then gets repaired there, if that's possible, and then is sent  
19 back to you to send back up to Proma. Correct?

20 A. Uh-huh.

21 Q. Or Van Leer.

22 A. Uh-huh.

23 Q. And my question is, are those boards distinguishable from new  
24 Infanor drive boards?

25 A. I couldn't say.

1 Q. All right. Do you know whether those boards, the repaired  
2 boards, have any labels or any instructions regarding setting  
3 the switch?

4 A. I don't know.

5 Q. Do you recall any circumstance when anyone from Atlas UK  
6 notified Atlas Valmet in North Carolina that they had noticed  
7 that a switch was unhooked on a board that had been sent there  
8 for repair?

9 A. No.

10 Q. Is – am I correct that Atlas – strike that. Am I correct that Van  
11 Leer Proma can do some repairs on their own?

12 A. I don't know.

13 Q. Do you know whether there's any training given to employees  
14 of Van Leer or Proma with respect to repairs that could be  
15 done on site by their own people?

16 A. We give training on maintenance and replacement of parts, but  
17 we would not give training on repairing a board.

18 Q. Do you know whether anyone from Atlas UK gave any  
19 training on repairing a board?

20 A. I'm not aware of it.

21 Q. How do you physically change a board?

22 A. Open a box, pull it out, and snap in a spare part.

23 Q. The box that you're talking about, does that resemble a  
24 cabinet?

25 A. Yes.

1 Q. Do you know if they do have a copy of that documentation  
2 relative to this particular machine?

3 A. No.

4 Q. You don't know, or they don't have it?

5 A. I don't know. They should. I don't know if they do. It was  
6 not ...

7 Q. I apologize. Poor question.

8 A. That's okay. It was not a hundred percent, but it was getting  
9 close.

10 Q. When a service technician goes to a customer to service an  
11 Atlas slitter, how would they know what modifications had  
12 been made to the machine by Atlas UK?

13 A. If Atlas UK makes modifications to a machine, they will send  
14 updated diagrams to the customer and to Atlas Charlotte, so  
15 the records are all kept up to date.

16 Q. And what about with respect to the Infanor drive boards? If a  
17 service technician were to go to a customer that used the  
18 Infanor drive boards, how would that service technician know  
19 what the settings should be on the drive boards?

20 A. He would know just from his experience on this type of  
21 machine and similar machines.

22 Q. So the service technicians would know the unique setting  
23 relative to that particular application?

24 A. This particular setting, he would be expected to know that this  
25 type of machine requires this particular setting, yes. Without

1 looking at a diagram, he would know that.

2 Q. Okay. And when a customer calls Atlas Valmet for a service  
3 technician, am I correct that the customer pays for that visit?

4 A. Sure.

5 Q. And are they responsible for the travel costs related to that  
6 visit?

7 A. Yes.

8 Q. And they're also responsible for the daily technician rate?

9 A. Uh-huh.

10 Q. And any other travel related expenses?

11 A. Absolutely.

12 Q. And how many days does a service call generally take?

13 A. Oh, it varies from one day to three weeks.

14 Q. How many hours per day does the technician bill for?

15 A. I believe – when I left, we only billed for eight.

16 Q. So it was a standard daily rate of eight hours?

17 A. (NODS HEAD)

18 Q. Does Atlas Valmet or did Atlas Valmet also do preventative  
19 maintenance calls, or maintenance type calls?

20 A. If requested by the customer.

21 Q. And those, again, would be paid for by the customer?

22 A. Absolutely.

23 Q. With respect to the service calls, was there a set procedure that  
24 the service technicians would follow?

25 A. In what respect?

1 Q. Well, again, I'm thinking back to my copy machine in my  
2 office, since that's the closest I have to a piece of equipment  
3 that I can relate to this. If I call a service technician in, he  
4 comes in and does diagnostics to try to figure out my problem,  
5 but also does a check of all my systems to make sure, while  
6 he's there, everything's running smoothly. Is that a standard  
7 procedure for the service technicians?

8 A. Not necessarily. If a customer calls with a specific problem,  
9 the technician will go in there and address that specific  
10 problem. If he has time left before his next flight, he'll hang  
11 around and do what he can. If not, he would ask the customer  
12 if he wants to purchase additional time, but wouldn't  
13 necessarily do it.

14 Q. Is there any inspection done on the Infanor drive boards  
15 routinely as part of a service call?

16 A. No.

17 Q. Is there any part of a – or is there any inspection of the  
18 machines done as part of a routine service call?

19 A. No, not on our part. No, we're there to – there's suggested  
20 maintenance schedules in our manuals, but when our service  
21 technicians go in, it's primarily to address a specific problem.  
22 And I'd say most of the time, when they fix that problem,  
23 they're gone.

24 Q. So there would be no particular inspection of the drive boards  
25 or of the daughter cards?

1 A. No.

2 Q. What about if the service call related to a problem with a  
3 drive?

4 A. Then they would definitely address the particular pair of, you  
5 know, arms, but not necessarily the rest of them.

6 Q. If they notice on a particular pair of arms that the switch was  
7 not set correctly, would they then check the rest of the drive?

8 A. I couldn't say.

9 Q. Should they check the rest of the drives in those  
10 circumstances?

11 MS. JOHNSON: Objection. Calls for speculation.

12 A. Yeah.

13 Q. As the vice president of the company, should they check –  
14 strike that. If a service technician noticed a problem with one  
15 drive, shouldn't he then check to see if that same problem  
16 existed on the other drives?

17 A. I would expect him to.

18 Q. And so any time you would have a service call that pertained  
19 to a drive, you would agree that the Atlas Valmet service  
20 technician has an opportunity to see whether or not that switch  
21 is hooked?

22 A. Well, anytime he's in the building, he has an opportunity to  
23 see it, yes.

24 Q. But if he has – if he's there to correct a problem specifically  
25 pertaining to a drive, isn't he going to look at the drive?

- 1 A. There's other – let's – we're specifically talking about an  
2 Infanor drive. I mean, there's online drives. There's drum  
3 drives and whatnot. If he was up looking at a drum drive, I  
4 wouldn't necessarily expect him to look at the unload drives,  
5 the Infanor drives. If he was looking at an Infanor and found a  
6 switch in the wrong spot, I would expect him to check the  
7 others.
- 8 Q. If the service technician was there relative to a problem with  
9 the rewind arm drives, would they pull out the entire drive  
10 board?
- 11 A. I don't know.
- 12 Q. That would depend on the technician?
- 13 A. And then whatever the problem is, yeah.
- 14 Q. Do you know how many service calls were made between  
15 January of 2000 and the time of this accident in March of 2002  
16 at the Proma facility?
- 17 A. I don't know.
- 18 Q. Do you recall how many times you were there during that  
19 period of time?
- 20 A. No.
- 21 Q. Similarly to the repairs, would you agree that a service call  
22 represents an opportunity for a service technician to look at the  
23 drive boards and see whether or not a switch is not connected?
- 24 A. Well, as I say, he's in the building, so it's – there is an  
25 opportunity.

1 Q. Do you know how many boards were sent from Proma to  
2 Atlas Valmet for repair between January of 2000 and March of  
3 2002?

4 A. No idea.

5 Q. All right. I'm going to ask you to look at a document for me.  
6 Have you ever seen that document?

7 MS. JOHNSON: Take your time and read it, if you need  
8 to.

9 A. Okay. I don't recall ever seeing this document.

10 Q. Is that -- strike that. In your experience with dealing with  
11 Proma, is that a typical service call agenda?

12 A. Yes. Yeah. Yes, I would expect them to have something like  
13 this when our service technician went up and saw them, so  
14 yeah, and they can see if he did everything, yeah.

15 Q. And according to this document, it refers to an engineer visit  
16 January 4<sup>th</sup> and 5<sup>th</sup> of 2000, correct?

17 A. Uh-huh.

18 Q. Do you know whose handwriting that is? Do you recognize  
19 that handwriting?

20 A. No, huh-uh.

21 Q. And the number one objective there is an overall check of the  
22 machine, make recommendations, correct?

23 A. Uh-huh.

24 Q. Would an overall check of the machine include checking the  
25 drive boards?



1 and 5<sup>th</sup> inspection, relate to that particular inspection?

2 A. That would be an assumption.

3 Q. Would you be comfortable making that assumption?

4 A. Well, we had a service technician in there in the beginning of  
5 January, and two or three weeks later they ordered – they sent  
6 a board for repair, so that's – I think it's a reasonable  
7 assumption to make.

8 Q. If that were the case, that two or three weeks after the visit  
9 they sent a board in to be repaired, does that change your  
10 opinion as to whether or not they checked the boards when they  
11 were there for the service call?

12 A. Not necessarily. We don't know if this board was even on the  
13 machine when it happened. It would be pure speculation.

14 Q. All right. We don't need to mark what has already been  
15 marked as Howe Two, but the invoice, PUC0640, should get  
16 marked. That wasn't part of Mr. Howe's deposition.

17 (PLAINTIFF'S EXHIBIT FIVE, INVOICE, PUC0640, WAS  
18 MARKED)

19 Q. When that board was returned to Proma, is it fair to say that  
20 the switch should have been set at that point?

21 A. I couldn't say.

22 Q. I'm going to show you another group of documents, which  
23 have been marked as Howe Four, and ask you if you can  
24 identify those documents.

25 A. Let's see. Infanor drive board for repair, and the order was

1 taken on February 9<sup>th</sup>, 2000.

2 Q. When I was going through these, I actually found some  
3 confusion as to when – I think that this was the one that I was  
4 confused as to when exactly the purchase was made, or the  
5 order was made. But it might not be this one, actually. All  
6 right. So this is just a board that's sent in for repair, 2/2/00,  
7 correct?

8 A. Uh-huh.

9 Q. February 2<sup>nd</sup>, 2002.

10 A. Yeah.

11 Q. Or 2000, excuse me.

12 A. 2/9/00, that's what I have.

13 Q. I'm looking at the purchase requisition.

14 A. Okay.

15 Q. Which, I believe, is the second page you have there, right,  
16 0625?

17 A. Yeah. That purchase rec would be an internal Van Leer  
18 document. I have no idea how long it would take for them to  
19 produce – to order from us, after having ...

20 Q. Oh, okay. Okay. But you do have it noted as Atlas Group,  
21 Americas order date of February 9<sup>th</sup>, 2000, correct?

22 A. Uh-huh. Uh-huh.

23 Q. And again, that's another Infanor drive board, correct?

24 A. Yes, and the serial numbers match up.

25 Q. And the serial number that you're referring to, that's the 8554,

1 A. Depends on the time, and it depends on the technician. Some  
2 technicians would be not very good at issuing reports. You  
3 know, ideally, we want a report at the end of every service trip  
4 for the file. Some technicians weren't very good at that.  
5 Some were great. John Brooke was top notch in sending  
6 reports after the trip. The rest weren't.

7 Q. Where would John Brooke's reports be kept?

8 A. Typically, we would have a folder in Charlotte for every  
9 machine in the country, and at the end of the trip, he would  
10 send the report to various people in the company, and one  
11 would eventually get into that folder for that specific job.

12 Q. Would those documents be accessible to the next service  
13 technician that went up to Proma?

14 A. Yeah. Yes.

15 Q. And would you expect a service technician that was going up  
16 to Proma to look through the file, to see what had been done  
17 there previously?

18 A. Not necessarily. We would try – I mean, back to your  
19 question before, we would try to have a specific service  
20 technician to handle a specific machine. But depending on  
21 who was available and what the problem of the day was, it  
22 might be whoever was handy. And there was a lot of good  
23 verbal communication between these guys, so if Ron was  
24 going up to do a job that John had – you know, on this  
25 machine, he would probably talk to John, and John say, "Do

1 this while you're there," or something.

2 Q. All right. I'm going to show you the next series of documents,  
3 which have been previously marked Purcell Four.

4 A. This is another invoice from Valmet Converting in Charlotte to  
5 Proma for a service call by John Brooke. And this one does  
6 not show me the dates of the service, does it? No. It's got a  
7 delivery date of 9/12/2000.

8 Q. Oh, you know what? Give me one second. I might be able to  
9 help you out with that. Let me show you what has been  
10 marked Purcell Five, and ask you, does that clarify the service  
11 date?

12 A. Okay. Yes. This shows a service date. It's in writing, but it's  
13 been penciled in here, or written in here. And it says  
14 September 18<sup>th</sup> to the 21<sup>st</sup> of 2000.

15 Q. And it also has a delivery date of October 10<sup>th</sup> of 2000,  
16 correct?

17 A. Yeah. I think that's what's confusing. This was a computer  
18 system that Valmet introduced, and the delivery date, I don't  
19 think has anything to do with when it actually happened. I  
20 think that was something just to trigger an invoice, or  
21 something that's put in when the order is written. No, not  
22 when it's written. But anyway, that delivery date is very  
23 misleading. It means nothing to me.

24 Q. And that invoice that you're looking at, that's PUC0594,  
25 correct?

1 A. Correct.

2 Q. And that has a reference, purchase order number 6684,  
3 correct?

4 A. Yep. Yes.

5 Q. Which matches with the 0601 purchase order, or purchase  
6 requisition that I gave you as part of the first Purcell Four,  
7 correct?

8 A. Yes.

9 Q. And then, just to confuse things a little bit more, if you'll look  
10 to the second page of Purcell Five there, document PUC0596  
11 ...

12 A. Yes.

13 Q. ... appears to relate to a service call saying 10/10/00, which  
14 this is dated January of '02, and has a different purchase order  
15 and value. Do you have any memory of what was happening  
16 on the machine back in September, October of 2000?

17 A. No. That would be – I don't have any idea.

18 MS. JOHNSON: Can we take a quick break?

19 MS. COUNIHAN: Sure.

20 (A SHORT BREAK WAS TAKEN OFF THE RECORD)

21 EXAMINATION CONTINUED BY MS. COUNIHAN:

22 Q. Okay. The first purchase requisition says, "trouble shoot and  
23 calibrate drive system on Atlas slitter." Is that true?

24 A. That's true.

25 Q. What does calibrate the drive system mean?

1 A. It means tune it up, just to get it running properly.

2 Q. And would that be the Infanor drive system, or the drum drive  
3 system, or all of the drive systems?

4 A. Impossible to tell.

5 Q. But if the service call was to calibrate the drive system, would  
6 your understanding of that mean to be the entire drive system?

7 A. I would tend to think it would not be the Infanor drive system.  
8 I would tend to think it would be the drum drive or the unwind  
9 drive, particularly now, if you get the dates, particularly  
10 because there was something a little while ago with the dancer  
11 roll. And I would expect people to, just by experience, if  
12 there's a problem with the rewind drives, they would call them  
13 "rewind drives" rather than just drive system and drive  
14 problems.

15 Q. Would you also, though, calibrate the rewind drives?

16 A. Not necessarily.

17 Q. Do they – does the drum drive, is that calibrated?

18 A. Yes.

19 Q. And what about the unwind drive?

20 A. Yes, definitely.

21 Q. And that particular visit, Mr. Brooke was there for four days,  
22 correct?

23 A. Yes.

24 Q. So that would be thirty-two hours ...

25 A. At least.

1 Q. ... of work?

2 A. Yes.

3 Q. And how is it possible that you could spend thirty-two hours  
4 on two drives?

5 A. Because you can't find the problem. They're very  
6 complicated drives, and sometimes what appears to be a drive  
7 problem can be a problem with the material they're putting  
8 through the machine, so you have to sit there and watch it run,  
9 which can take hours, every cycle. So four days is a little  
10 long, particularly for John, but if that came across my desk, it  
11 wouldn't cause me to look twice.

12 Q. And for that particular visit, Valmet Converting charged  
13 Proma five thousand, four hundred and ninety-eight dollars  
14 and ninety-seven cents, (\$5,498.97) correct?

15 A. Yes.

16 Q. I'm going to show you a document which has been marked  
17 Howe Five, and ask you to take a look at that document.

18 A. That's an internal Proma purchase requisition for the ...

19 Q. And this – go ahead.

20 A. For the repair of a – yeah, for the repair of an Infanor drive  
21 board, including daughter board.

22 Q. And this is within just a matter of weeks after the visit by John  
23 Brooke, correct?

24 A. This was written 12/22 of 2000.

25 Q. Well, that's date needed, correct?

1 A. Dates needed, correct.

2 Q. I go by requested date or "authorized by" date.

3 A. Yes, which is October 24<sup>th</sup>.

4 Q. And so those would correspond roughly with shortly thereafter  
5 the visit by Mr. Brooke, correct?

6 A. It appears that way, yes.

7 Q. And doesn't it then also seem logical that one of the problems  
8 that he found on his visit pertains to this particular Infanor  
9 drive board with the daughter card?

10 A. It's possible. I mean, it's a full month after his visit, but it's  
11 possible that it's – but it's also possible that it's not.

12 Q. Again, that would be best answered by Mr. Brooke, wouldn't  
13 it?

14 A. Absolutely.

15 Q. All right. Here is another document that I'll just ask you to  
16 take a look at.

17 A. Yes. It's a copy of an email from me to Harold Isherwood,  
18 dated October 26<sup>th</sup>, discussing mechanical modifications that  
19 might be made to the machine.

20 Q. And my only question to you on this particular document is,  
21 on the bottom paragraph on that first page, it indicates, "I  
22 believe there already is a circuit in the machine that reduces  
23 arm up pressure after the arms go past vertical." Correct?

24 A. Uh-huh.

25 Q. Do you see where I am?



1 A. Uh-huh.

2 Q. "That could possibly be reduced to zero. I'll have someone in  
3 engineering check your circuits tomorrow. They've all gone  
4 home by now." Is that correct?

5 A. Uh-huh. Uh-huh.

6 Q. What does that mean, that you can have – that someone in  
7 engineering can check their circuits?

8 A. This is – when that roll of material is being wound in between  
9 the arms, we're controlling how hard that roll is with Infanor  
10 drives, as well as how hard we're pressing it onto the machine.  
11 What we're talking about here is the pressing it into the  
12 machine, the actual pressure we put on top of it, and how,  
13 when we unload the machine, we can reduce that pressure.

14 Q. But what does that mean when you say, "I'll have someone in  
15 engineering check your circuits tomorrow"?

16 A. Check your pneumatic circuits. If there's a pneumatic system  
17 that puts the pressure on, I'll have them see – right now, I'm  
18 saying in here that we reduce the arm pressure after the arms  
19 get over vertical. We reduce it, so I'm saying, "Let's say if we  
20 can bring it all the way to zero. Well, I'm not capable of doing  
21 that. I'll have one of the engineers in England review the  
22 pneumatic diagrams to see if this could be done." This was to  
23 alleviate a problem they were having with mechanical  
24 breakage, because they were – when they unload these arms of  
25 these rolls, they push them onto a cart, press them down onto

1 condition – in other words, they had this turned on there, this  
2 turned off, this – and see if applying all those conditions to the  
3 electrical schematics of the machine, if there might be a fault,  
4 there might be something that could, you know, cause this to  
5 happen. And whether I sent this to England or just did that to  
6 keep him quiet, I couldn't say.

7 Q. You might have put that you sent to England, even if you  
8 hadn't?

9 A. Just to keep him quiet, yeah, because we were more than  
10 capable of resolving the problem or finding the problem, John  
11 was, without us bothering England. But the customer always  
12 feels better if you to go to the – call headquarters, you know.

13 Q. But clearly the Proma people couldn't solve the problem  
14 without you?

15 A. Or they would feel better if we looked at it as well.

16 Q. Okay. Let's just mark that package, which is seven pages.

17 (PLAINTIFF'S EXHIBIT TWELVE, PUC0093, PUC0098,  
18 PUC0099, PUC0101, PUC0107, PUC0100, PUC0109, AND  
19 PUC0110, WAS MARKED)

20 Q. And since the numbers are not in order, I'll read them in.  
21 PUC0093, 0098, 0099, 0101, 0107, 0100, and 0109. Is that  
22 correct?

23 A. I have ten as well.

24 Q. Oh, you're right, because I have one that's on the back,  
25 correct. I'm sorry, so that's 0110. All right. And that is

1 Exhibit Twelve. Let me show you two pages and ask you to  
2 take a look at those.

3 A. Again, we have an invoice from Valmet Converting in  
4 Charlotte to Proma for the repair of an Infanor board.

5 Q. And what is that type, SMNB2590?

6 A. That's an Infanor number, but what it signifies, I don't know.

7 Q. And this was done or ordered in August of 2001, correct?

8 A. Yes.

9 Q. All right. Let's mark that.

10 (PLAINTIFF'S EXHIBIT THIRTEEN, INVOICE, PUC0547 AND  
11 PUC0548, WAS MARKED)

12 Q. Exhibit Thirteen, PUC0547, 0548. I show you documents  
13 which have been marked Purcell Six.

14 A. Okay. It's an invoice from Valmet Converting in Charlotte to  
15 Proma for technical service by John Brooke on machine  
16 number 92036.

17 Q. Which is this particular machine that we've been talking  
18 about, correct?

19 A. Yes, with the dates of November 14<sup>th</sup> to November 16<sup>th</sup>, 2001.

20 Q. And the charge for that visit was four thousand, nine hundred  
21 and thirty-five dollars and fifty-one cents, (\$4,935.51),  
22 correct?

23 A. Correct.

24 Q. And according to the purchase requisition, the purpose or the  
25 reason for that service call, "technician to trouble shoot drives

1 on Atlas slitter,” correct?

2 A. Correct.

3 Q. And “drives” there is plural, correct?

4 A. Correct.

5 Q. Would that mean all of the drives?

6 A. Could be.

7 Q. Is it possible to examine all of the drives in three days?

8 A. Yes.

9 Q. Okay. Let’s mark that.

10 (PLAINTIFF’S EXHIBIT FOURTEEN, INVOICE, WAS  
11 MARKED)

12 Q. If Mr. Brooke were, in fact, to do an inspection of all of the  
13 drives on that particular service visit of November 14<sup>th</sup> to 16<sup>th</sup>,  
14 2001, he should pull out the drive boards to inspect them,  
15 correct?

16 A. I can’t say.

17 Q. Is it part of his training? Would he – strike that. Would Mr.  
18 Brooke have been trained that, in order to trouble shoot drives,  
19 including the Infanor drive boards, that would require a visual  
20 inspection of the drive board?

21 A. If he was specifically asked to inspect the drives, including the  
22 Infanor drive boards, yes. But the order still could be read to  
23 be just the unwind and the machine drive, the – what did you  
24 call it? The drum drive.

25 Q. Is that not what it’s called, the drum drive?

1 A. Yeah. Main drive or drum drive, yeah. That's fine.

2 Q. Is it possible to trouble shoot or do diagnostics on all of the  
3 drives without doing a physical or visual inspection of the  
4 drive?

5 A. No.

6 Q. You would have to, right?

7 A. Yeah.

8 Q. I mean, if it says, "trouble shoot drives on Atlas slitter," and  
9 you assume that that means all the drives – which I realize  
10 you're not going to give me.

11 A. Right. That's my point, yeah.

12 Q. Okay. All right. But if you assume that it means all the  
13 drives, that would require a visual inspection of the drive,  
14 correct?

15 A. I don't know. I can't say. I can't say.

16 Q. How else could you trouble shoot a drive without looking at  
17 the drive?

18 A. If, when the technician goes up there to check out the machine,  
19 in order to trouble shoot the drives, he has to use the drives. I  
20 forget how many rewind arm pairs there are on this machine,  
21 or how many Infanor drives there are on this machine, but it  
22 would be unlikely he would have the opportunity to actually  
23 try every one of them, because it requires a tremendous  
24 amount of – normally they only run two rolls, two pairs of  
25 arms. They've got four or five or six. So I would be quite

1 surprised that, at any visit, that they ever give him – or that he  
2 ever have the opportunity to check all Infanor drives under  
3 running conditions.

4 Q. Am I correct that you would never, ever remove a drive board  
5 when the machine is running?

6 A. When the machine is running. It's possible to do such, yeah.  
7 You could – yes, it's possible, but you wouldn't, you  
8 shouldn't.

9 Q. It would be dangerous, right?

10 A. It would be dangerous, and there would be no reason to.

11 Q. So my understanding from Mr. Purcell is that, in order to  
12 check the drive, you would shut off the machine.

13 A. Well, as part of your check of the drive, you would shut off the  
14 machine.

15 Q. And then you would physically open the door and pull out the  
16 board to check the drive, correct?

17 A. Yes, but you wouldn't necessarily do that to – I'm not trying to  
18 fight you, but you wouldn't necessarily do that to something  
19 you can't check under running conditions. I mean, if they're  
20 always running these four drives, and they hardly ever run the  
21 other ones, you're going to look at these four drives, or what  
22 they happen to be running today. And it's ...

23 Q. Correct. I mean, I'm assuming that if they're calling up a  
24 service technician to trouble shoot the drives, they have a  
25 specific drive or drives in mind that are having a problem.

1 A. I agree.

2 Q. It might not be reflected on their documentation, I would  
3 agree, but they're not just randomly calling up a service  
4 technician to just trouble shoot the drives, right? I mean ...

5 A. Right.

6 Q. ... the word "trouble shoot" seems to imply a problem.

7 A. They're called in because they have a problem, so they've  
8 called him to trouble shoot the drives, because they have a  
9 problem.

10 Q. So whichever drives they're having a problem with are the  
11 drives, obviously, he's going to focus on.

12 A. Correct.

13 Q. And there's no way by looking at this document to determine  
14 whether or not that word "drives" includes the Infanor drive  
15 boards.

16 A. Exactly.

17 Q. If it did include the Infanor drive boards, and they were the  
18 ones that were having the problems, you would expect him to  
19 remove the drive board to look at it, right?

20 A. I don't know if ...

21 MS. JOHNSON: Objection. Calls for speculation.

22 Q. All right. We'll ask Mr. Brooke. Let's mark that.

23 COURT REPORTER: Can I stop you a second?

24 (A SHORT BREAK WAS TAKEN OFF THE RECORD)

25 (PLAINTIFF'S EXHIBIT FOURTEEN, WHICH HAD BEEN

1 Q. Was there any reason determined as to what caused the arms  
2 to lift?

3 A. No, not that I'm aware of.

4 Q. Isn't it possible that the arms could lift because of the  
5 overspeed?

6 A. No. The arms would tend to press down even harder if there's  
7 too much overspeed.

8 Q. What are the possible explanations as to why some of the  
9 switches on the drives in the machine were not in the correct  
10 position, and even some of the ones in the inventory were not  
11 in the correct position?

12 A. Because they weren't set up properly for that machine by  
13 whomever. I don't know. There are instructions on how to set  
14 up those drives before they're put into the machine, those  
15 boards.

16 Q. There are also specifications in England as to how to set up  
17 those machines before they should be shipped, correct?

18 A. Uh-huh.

19 Q. Yes?

20 A. Yes.

21 Q. Did you believe, prior to the date of this accident, that the  
22 switches were set in England?

23 A. Prior to the date of this accident, I never gave the switches a  
24 thought.

25 Q. Is it possible to hook the switches permanently, or the switch



1 permanently?

2 A. I don't know.

3 Q. This, Ron Purcell's report indicates that all drives were  
4 checked for the correct switch position and soldered in place.  
5 Did you read that?

6 A. (SHAKES HEAD) Okay.

7 Q. Does that – does soldering the switch in any way compromise  
8 the operation of the machine?

9 A. No.

10 Q. Why was that done then?

11 A. Because ...

12 MS. JOHNSON: Objection. Goes to subsequent  
13 remedial measures.

14 Q. You can answer.

15 MS. JOHNSON: Yeah.

16 A. Oh, okay. So that we know they're always in the right  
17 position for that machine.

18 Q. Is it expensive to solder the switch?

19 A. No.

20 Q. Is it time consuming?

21 A. No.

22 Q. Would it add to the price of the machine?

23 A. No.

24 Q. Why wasn't it done prior to March of 2002?

25 A. It was not deemed necessary. We had not had a problem like

1 this before, that I'm aware of. Just wasn't necessary. Didn't  
2 seem necessary.

3 Q. Didn't seem necessary to who?

4 A. To whoever designed the machine.

5 Q. Atlas in England?

6 A. In England, uh-huh.

7 Q. Did Atlas Valmet in North Carolina ever consider hooking the  
8 switch permanently prior to this accident?

9 A. I don't know.

10 Q. You were never involved in any meetings or discussions  
11 regarding hooking the switch permanently prior to this  
12 accident, correct?

13 A. No, correct.

14 Q. And – well, I'll come back to that in a second. Would you  
15 agree with hindsight that the switch should have been hooked  
16 permanently prior to this accident?

17 A. Well, I would agree ...

18 MS. JOHNSON: Objection, speculative.

19 A. Okay.

20 Q. You can answer.

21 A. Okay. In hindsight, yeah, maybe this wouldn't have happened.  
22 But I'm not sure this is the total cause of the problem on this  
23 incident.

24 Q. But you would agree people like Ron Purcell and the  
25 electricians are better qualified to discuss the cause of the

1 accident?

2 A. Yes.

3 Q. Are the boards that Proma ordered after this accident, are the –  
4 is the switch soldered?

5 MS. JOHNSON: Objection. Subsequent remedial  
6 measures again.

7 A. I can't say.

8 Q. You have no knowledge as to whether or not any change was  
9 put into effect?

10 A. I don't – no, I don't have any knowledge to that effect.

11 Q. Did you notify Atlas in England of this problem?

12 A. I personally did not. There were discussions between our  
13 technicians, Purcell, I guess, and the technicians in England. I  
14 mean, I know that is routine, but I have no specific knowledge  
15 of it.

16 Q. So you don't know whether any changes were made to the  
17 boards after the accident?

18 A. I don't.

19 Q. In Mr. Purcell's report, the very last paragraph – strike that. In  
20 Mr. Purcell's report, the second page, the first full paragraph  
21 indicates standard operating procedures would dictate that  
22 when replacing any electronic component, the authorized  
23 technician should check all switches, jumpers, and links for  
24 correct position, correct?

25 A. Okay, I don't see that. What report?